IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1588 OF 2005

Madhava Commercial Premises
Co-operative Society Ltd. ....Petitioner

Versus

The Municipal Corporation of Gr.Mumbai & Ors. ....Respondents

Mr.Nitin Mulye with Mr.G. S. Godbole for the Petitioner.
Mr.R. M. Sawant, Government Pleader for Respondent No.2.
Mr.R. M. Vernekar for Respondent Nos.4 to 6.
Mr.S. G. Surana for Respondent No.7.
Mr.Sean Wassoodew for Respondent No.8.
Mr.Rohit Shetty for Respondent Nos.13, 18 and 19.
Ms.Tally i/b Meghraj Associates for Respondent Nos.14 to 16.
Mr.Amjad Sayed, Assistant Government Pleader for Respondent No.22.

CORAM : DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.
DATE : 29TH SEPTEMBER, 2005.

P.C. :

The Petitioner has prayed in this Writ Petition that the Respondents be directed to implement the order dated 31st May, 2004 in respect of removal of the unauthorised construction in the premises of Respondent Nos.4 to 21.

2. Pursuant to the show cause notice issued by this Court, the affidavit has been filed by Respondent No.2 – MMRDA. In the affidavit, it is clearly mentioned that the notices have been issued to Respondent Nos.2 to 21, except M/s.Satyam Realtors Pvt. Ltd. and Diwan Housing Pvt. Ltd. for voluntarily removing the unauthorised construction carried out by them within ten days. The learned counsel for Respondent No.2 submits that some of them have already removed the unauthorised construction and the letters have been submitted to MMRDA. He further submits that in case the unauthorised construction is not removed by Respondent Nos.2 to 21, the same would be removed by MMRDA on or before 31st October, 2005.

3. In view of the affidavit filed by Respondent No.2 with a specific averment that the unauthorised construction shall be removed by 31st October, 2005, the learned counsel for the Petitioner does not press the Petition and he wishes to withdraw the same.

4. We order accordingly. The Petitioner would be at liberty to revive this Petition in case the unauthorised construction, as undertaken by Respondent No.2 is not removed on or before 31st

October, 2005.

5. The Petitioner would also be at liberty to move an application to the Municipal Corporation of Greater Mumbai for the grant of completion certificate. The application of grant of the certificate shall be considered in accordance with law. The Petition is accordingly disposed of.

CHIEF JUSTICE

S.J. VAZIFDAR, J.